

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

MAXX LYMAN, On Behalf of Himself	§	
and Others Similarly Situated	§	
	§	
v.	§	CIVIL ACTION NO. 4:23-CV-911-SDJ
	§	
GLOBE LIFE INC.	§	
	§	

**PRELIMINARY SCHEDULING ORDER**

The Court, after reviewing the case management report required by Federal Rule of Civil Procedure 26(f) and conferring with the parties by scheduling conference, enters this Order which controls disposition of this case pending further order of the Court. The following actions shall be completed by the date indicated.<sup>1</sup>

**DEADLINES**

02/15/2024	Deadline for motions to transfer.
02/22/2024	Deadline to add parties other than putative class members pursuant to any order(s) granting class certification.
03/4/2024	Deadline for Plaintiffs to file amended pleadings. (A motion for leave to amend is required.)
	Deadline for Plaintiffs to disclose expert testimony regarding class certification issues.
03/18/2024	Deadline for Defendants to file amended pleadings. (A motion for leave to amend is required.)
04/1/2024	Deadline for Defendants to disclose expert testimony regarding class certification issues.
04/12/2024	Deadline for class certification discovery.

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<sup>1</sup> If a deadline falls on a Saturday, Sunday, or a legal holiday as defined in Federal Rule of Civil Procedure 6, the effective date is the first federal court business day following the deadline imposed.

04/17/2024	Deadline for Plaintiffs to file any class certification motion(s).
06/17/2024	Deadline for Defendants to file a response to Plaintiffs' class certification motion(s).
July 1, 2024, at 9:30am	Hearing on class certification.

After the class certification issue has been resolved, the Court will enter a more comprehensive scheduling order for the disposition of the merits of the case.

### **CLASS CERTIFICATION BRIEFING**

Plaintiffs' class certification motion and any supporting briefing shall be contained in one document, which shall not exceed thirty (30) pages. Defendants' response in opposition also shall not exceed thirty (30) pages. Any reply or sur-reply regarding certification shall not exceed ten (10) pages.

### **SCOPE OF DISCOVERY**

Modification. Taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues, the Court modifies the parameters of discovery in the following respects. *See* FED. R. CIV. P. 26(b)(2).

Disclosure. The parties are reminded of the requirement, set out in this Court's Order Governing Proceedings, to have already disclosed, without awaiting a discovery request, information in addition to that required by Federal Rule of Civil Procedure 26, including names of persons likely to have, and documents containing, information "relevant to the claim or defense of any party."

If there are any questions about whether information is "relevant to the claim or defense of any party" review Local Rule CV-26(d). A party that fails to timely disclose any of the information required to be disclosed by order of this Court or by the Federal Rules of Procedure, will not, unless such failure is harmless, be permitted to use such evidence at trial, hearing, or in support of a motion.

Electronic Discovery. Electronically stored information will be produced in hard copy form or multi-page TIFF format, unless the parties agree otherwise.

The parties are excused from the pretrial disclosure requirements set forth in Federal Rule of Civil Procedure 26(a)(3), as such disclosure is cumulative of this Court's pretrial order procedures.

### DISCOVERY DISPUTES

In the event the parties encounter a discovery dispute, no motions to compel may be filed until after the parties fulfill the "meet and confer" requirement imposed by this Court's Local Rule CV-7(h). If the parties are unable to resolve the dispute without court intervention, the parties must then call the Court's chambers to schedule a telephone conference regarding the subject matter of the dispute prior to filing any motion to compel. After reviewing the dispute, the Court will resolve the dispute, order the parties to file an appropriate motion, or direct the parties to call the discovery hotline.

A magistrate judge is available during business hours to immediately hear discovery disputes and to enforce provisions of the rules. The hotline number is 903-590-1198. *See* Local Rule CV-26(e).

### RESOURCES

The Eastern District of Texas website (<http://www.txed.uscourts.gov>) contains information about **Electronic filing, which is mandatory**, Local Rules, telephone numbers, general orders, frequently requested cases, the Eastern District fee schedule, and other information. The electronic filing HelpLine is 1-866-251-7534.

### COMPLIANCE


A party is not excused from the requirements of this Scheduling Order because dispositive motions are pending, the party has not completed its investigation, the party challenges the sufficiency of the opposing party's disclosure, or because another party has failed to comply with this Order or the rules.

Failure to comply with relevant provisions of the Local Rules, the Federal Rules of Civil Procedure, or this Order may result in the exclusion of evidence at trial, the imposition of sanctions by the Court, or both. If a fellow member of the Bar makes a just request for cooperation or seeks scheduling accommodation, a lawyer will not arbitrarily or unreasonably withhold consent. However, the Court is not bound to accept agreements of counsel to extend deadlines imposed by rule or court order. *See* Local Rule AT-3(j).

### **OTHER MATTERS**

Please note the amendments to the Local Rules regarding motion practice. If a document filed electronically exceeds ten pages in length, including attachments, a paper copy of the filed document must be sent contemporaneously to the undersigned's chambers in Plano. *See* Local Rule CV-5(a)(9). Courtesy copies over twenty pages long should be bound to the left, and voluminous exhibits should be separated by dividers.

**So ORDERED and SIGNED this 9th day of February, 2024.**

  
SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE